

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROBERT ALAN FRATTA,

PETITIONER,

V.

**LORIE DAVIS, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division,
Respondent.**

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NO. 4:13-CV-03438

**REQUEST FOR CERTIFICATE OF APPEALABILITY, AND NOTICE OF APPEAL,
TO THE COURT OF APPEALS FOR THE FIFTH CIRCUIT**

Petitioner-Appellant, ROBERT ALAN FRATTA, files this notice of appeal and requests a COA as follows:

A COA is sought from, and appeal taken to, the United States Court of Appeals for the Fifth Circuit off of the District Court's Memorandum and Order and Final Judgment, both entered on September 20, 2017, in which the Court denied Fratta's cross-motion for summary judgment, and denied COA on all claims. *USDC Dkts* [80, 81]. Fratta appeals the denial of his motion for summary judgment and seeks a COA on all claims.

Respectfully submitted,
HILDER & ASSOCIATES, P.C.

By: /s/ James G. Rytting
James Rytting
State Bar No. 24002883
Philip H. Hilder
State Bar No. 09620050
819 Lovett Boulevard
Houston, Texas 77006
Telephone (713) 655-9111
Facsimile (713) 655-9112
james@hilderlaw.com
philip@hilderlaw.com

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

On this 13th Day of October, I served the foregoing Notice of Appeal on Respondent using the ECF filing system.

/s/ James G. Rytting
James G. Rytting